



Legislative Department
Seattle City Council
Memorandum

Date: March 9, 2011

To: Councilmember Sally J. Clark, Chair
Councilmember Tim Burgess, Vice Chair
Councilmember Sally Bagshaw, Member
Committee on the Built Environment (COBE)

From: Rebecca Herzfeld, Council Central Staff

Subject: March 9, 2011 COBE Meeting: Lowrise Multifamily “Clean-up” Bill

On December 14, 2010, the City Council adopted Ordinance 123495. This ordinance establishes new development standards for Lowrise (LR) multifamily zones, a new administrative design review process for townhouses, and other standards that apply in various zoning designations. In preparing to administer this legislation, staff from the Department of Planning and Development (DPD) has discovered corrections and clarifications that would facilitate use of the new provisions, in keeping with Council’s intent. Most of the amendments are minor technical changes (e.g. correcting outdated formatting and subsection references). The proposed ordinance also contains amendments that are clarifications to provisions or corrections of errors or omissions.

A version of this bill was introduced on February 7, 2011, as Council Bill (CB) 117104. However, due to questions raised during staff training sessions and by the public, DPD identified the need for four additional corrections and clarifications. A new bill (CB 117117) that included these additional amendments was introduced on February 28, and a second public notice was provided on February 24. Since the introduction of CB 117117, we have found that three further clarifications are needed. All of the proposed changes are summarized on the table below, and those that are not included in CB 117117 are shown in Attachments A and B to this memo.

As required by the Growth Management Act, additional notice of these three additional proposed amendments was published on March 7. To allow time for comment, if the Committee votes on the proposed clean-up bill today as scheduled, the full Council vote may not be held until March 21. This would mean that the clean-up legislation would be effective approximately a week after the new LR Code goes into effect.

The following table provides a brief description of the amendments:

| Section & Page Number of CB 117117 | Seattle Municipal Code Section | Description of proposed change |
|---|--|---|
| Sect. 1 Page 1 | 11.16.240 Traffic Engineer— Authority—Review and recommend | Corrects references to new Lowrise zone names. |
| Sect. 2 Page 1 | 15.16.040 Terms and conditions (for sidewalk cafes) | Corrects references to new Lowrise zone names and to formatting. |
| Sect. 3 Page 5 | 22.206.160 Duties of owners | Clarifies that the duties of landlords of accessory dwelling units apply in multifamily as well as single family zones, and corrects formatting. |
| Sect. 4 Page 13 | 23.41.018 Streamlined administrative design review (SDR) process | Corrects the wording in the subsection that permits an adjustment through the SDR process of up to 10% in the development standards for building width and depth and façade length limits. |
| Sect. 5 Page 15 | 23.44.012 Height limits (Single-Family Zones) | Corrects references and formatting, and eliminates a height exception for sloping sites that is no longer needed because the newly adopted height measurement method allows for calculation of an average grade plane. |
| Sect. 6 Page 17 | 23.45.510 Floor area ratio (FAR) limits | Amends the FAR limits to: 1) Clarify that one of the conditions for earning additional floor area ratio (FAR) is that parking within a structure must be enclosed with garage doors. Simplify the standards by removing the requirement that parking be below grade, as this is addressed in the FAR exemptions (proposed language is in Attachment A to this memo). 2) Clarify that the FAR exemption for preserving an existing single-family home that is visible from the street applies on corner lots, and the home may be moved to a visible location on the lot and still qualify for the exemption. 3) Treat rowhouses the same as townhouses and apartments by providing the same FAR exemption for partially below-grade floors. 4) Add an exemption for partially below-grade parking for rowhouses on small lots without alley access |

| Section & Page Number of CB 117117 | Seattle Municipal Code Section | Description of proposed change |
|---|--|---|
| | | (proposed language is in Attachment A to this memo). |
| Sect. 7 Page 22 | 23.47A.012 Structure height (Commercial Zones) | Corrects references, formatting (including to exhibit titles), eliminates an outdated height exception for monorails, and eliminates a height exception for sloping sites that is no longer needed because the newly adopted height measurement method allows for calculation of an average grade plane. |
| Sect. 8 Page 33 | 23.47A.013 Floor area ratio (Commercial zones) | Removes a reference to an exhibit that is proposed to be deleted from Section 23.47A.012, and corrects formatting. |
| Sect. 9 Page 35 | 23.57.012 Commercial zones | Corrects references to the subsections that regulate the height and rooftop coverage of minor communication utilities and accessory communication devices in commercial zones, and corrects formatting. |
| Sect. 10 Page 38 | 23.84A.024 “L” | Clarifies the definition of “lot grade, existing” consistent with the intent of Ordinance 123495 to allow lots that have previously been excavated to interpolate the grade from the lot lines (allowing holes or depressions to be filled in), provided that the holes or depressions are filled in up to the walls of any new development. |
| Sect. 11 Page 38 | 23.84A.032 “R” | Corrects the numbering of various definitions of types of “residential use”, and clarifies the definition of rowhouse. |
| Sect. 12 Page 39 | 23.86.006 Structure height measurement | <p>Clarifies two aspects of the height measurement method as follows:</p> <p>1) Under the general rule for height measurement, adds a simpler method as an option for determining the average grade on a lot. The current approach calculates the average grade using the midpoint of every wall segment of the proposed structure. The proposed optional method would allow for drawing a rectangle around the proposed structure and determining average grade using the midpoint of each of the four sides of that rectangle.</p> <p>This simpler “drawing a rectangle” method is used</p> |

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|------------------------------------|---|--|
| | | <p>successfully by many local jurisdictions, and should save time and money for applicants who opt to use it.</p> <p>2) Clarifies the option to the general rule that allows the average grade to be re-set multiple times to promote structures that better follow topography. The proposal would allow this option to be used on gently as well as steeply sloping lots, and would remove the requirement that the building be divided into equal segments for the purposes of measuring height.</p> <p>Council's intent was to allow the use of this optional method on any lot, and not limit it only to lots with major grade changes of 20 feet or more.</p> |
| Sect. 13 Page 41 | 23.86.007 Gross floor area and floor area ratio measurement | <p>Clarify how to measure the amount of gross floor area that extends no more than 4 feet above grade and that is exempt from floor area ratio calculations.</p> <p>Clarify that required exits (such as emergency window egress from a basement bedroom) do not affect the measurement of exempt gross floor area that is no more than 4 feet above grade (proposed language is in Attachment B to this memo).</p> |

Staff Recommendation:

The proposed amendments are consistent with the original intent of the amendments adopted in Ordinance 123495. I recommend approval of the proposed amendments, as does the Department of Planning and Development.

Committee Decision on amendments to CB 117117 in Attachments A and B:

Committee Decision on CB 117117:

Attachment A: Proposed amendments to Section 23.45.510: Floor Area Ratio Limits

Attachment B: Proposed amendments to Section 23.86.007 Gross floor area and floor area ratio measurement

Attachment A: Proposed amendments to Section 23.45.510: Floor Area Ratio Limits

The amendments that are not already in CB 117117 are highlighted in gray below.

23.45.510 Floor area ratio (FAR) limits

* * *

C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for 23.45.510, the following standards shall be met:

1. Applicants shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS). The standards referred to in this subsection 23.45.510.C.1 are those identified in Section 23.45.526, and that section shall apply as if the application were for new development gaining extra residential floor area.

2. For all categories of residential use, if the lot abuts an alley and the alley is used for access, improvements to the alley shall be required as provided in subsections 23.53.030.E and F, except that the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten dwelling units.

3. Parking location if parking is provided.

a. For rowhouse and townhouse developments, parking shall be ~~((located in an enclosed area that is below grade or that projects a maximum of 4 feet above finished grade,))~~ totally enclosed within the same structure as the residential use, or located in a parking area or structure at the rear of the lot.

b. For apartments, parking may either:

1) be ~~((located in an enclosed area that is below grade or that projects a maximum of 4 feet above finished grade))~~ totally enclosed within the same structure as the residential use; or

2) on lots located outside of Urban Centers, Urban Villages, and the Station Area Overlay District, be located off an alley at the rear of the lot, provided that all

surface parking is limited to a single row of spaces along the alley and access to each surface parking space is taken directly from the alley.

4. Access to parking if parking is provided.

a. Access to required barrier-free parking spaces may be from either a street or an alley. Subsections 23.45.510.C.4.b, c, and d do not apply to required barrier-free parking spaces.

b. If the lot abuts an alley, access to parking shall be from the alley, unless one or more of the conditions in subsection 23.45.536.C.2 are met.

c. If access cannot be provided from an alley, access shall be from a street if the following conditions are met:

1) on corner lots, the driveway shall abut and run parallel to the rear lot line of the lot or a side lot line that is not a street lot line.

2) on a non-corner lot, there is no more than one driveway per 160 feet of street frontage.

d. if access to parking does not meet one of the standards in this subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for 23.45.510 applies.

* * *

E. The following floor area is exempt from FAR limits:

1. All underground stories.

2. The floor area contained in a landmark structure subject to controls and incentives imposed by a designating ordinance, if the owner of the landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer of development potential has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

3. ~~((Structures))~~ The floor area contained in structures built prior to January 1, 1982 as single-family dwelling units that will remain in residential use, provided that:

a. no ~~((new))~~ principal structure is located between ~~((that structure))~~ the existing single-family dwelling unit and ((a)) the street lot line along at least one street frontage((-and)). If the single-family dwelling unit is moved on the lot, the floor area of the dwelling remains exempt if it continues to meet this provision; and

b. the exemption is limited to the gross square footage in the ~~((structure))~~ single-family dwelling unit as of January 1, 1982.

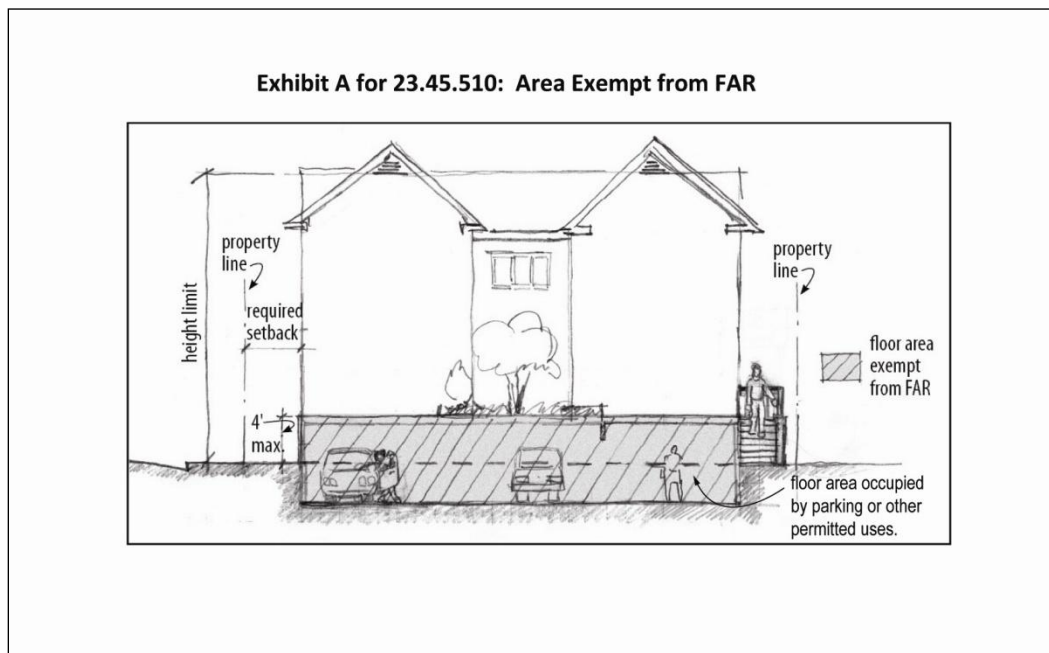
4. ~~((For apartments in LR zones that qualify for the higher FAR limit shown in Table A for 23.45.510, and for all multifamily structures in MR and HR zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower. See Exhibit A for 23.45.510.))~~ Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower (see Exhibit A for 23.45.510), in the following circumstances:

a. apartments in LR zones that qualify for the higher FAR limit shown in Table A for 23.45.510;

b. rowhouse developments in LR zones located on lots that have a lot depth of 100 feet or less, do not have alley access, and that qualify for the higher FAR limit shown in Table A for 23.45.510, provided that parking access is located at the rear of the rowhouse development; and

c. all multifamily structures in MR and HR zones.

Exhibit A for 23.45.510: Area Exempt from FAR



Attachment B: Proposed amendments to Section 23.86.007 Gross floor area and floor area ratio measurement

The amendment that is not already in CB 117117 is highlighted in gray below.

23.86.007 Gross floor area and floor area ratio measurement

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B. Pursuant to subsection 23.45.510.E, for certain structures in multifamily zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt gross floor area of such partially below-grade stories is measured as follows:

1. determine the elevation 4 feet (~~((above))~~ below) the finished floor of the story next above the partially below-grade story, or 4 foot (~~((above))~~ below) the roof surface if there is no next floor above the partially below-grade story;
2. determine the points along the exterior wall of the story where the elevation determined in step 23.86.007.B.1 above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;
3. draw a straight line across the story connecting the two points on the exterior walls;
4. the gross floor area of the partially below-grade story or portion of a partially below-grade story is the area of the story that is at or below the straight line drawn in step 23.86.007.B.3 above, excluding openings required by the Building Code for egress. (See Exhibit B for 23.86.007).

